

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v.

DAMIEAN MARCIAL-ALEXANDER

*

*

*

*

Criminal Number 2023-36-01

DEFENDANT'S MOTION TO PERMIT WEARING OF
CIVILIAN CLOTHING FOR SENTENCING HEARING

NOW COMES the Defendant, DAMIEAN MARCIAL-ALEXANDER, by and through undersigned counsel, and respectfully moves this Honorable Court to Permit the Defendant to Wear Civilian Clothing for his Sentencing Hearing. In support of this Motion, the Defendant offers the following:

The Defendant is scheduled for sentencing on Tuesday, February 4, 2025, at 10 am. The Defendant is in the custody of the US Marshall. The Marshall generally takes the position that in the absence of a Court Order, civilian clothing is allowable for a Defendant in its custody only when a jury is implicated. There is no jury involvement in a sentencing hearing.

The Defendant, however, has indicated his desire to dress appropriately, out of prison-clothing, and in "dress-clothing" for sentencing. He indicated that sentencing is an important proceeding and he would feel most appropriate to dress for the occasion as an indication of his recognition of the significance of the process. He expects family to be present and wants to present an appearance of respect to them and the Court and its process.

In the past, counsel has approached the scheduled judge on the day of the hearing and sought permission by oral request for the Defendant to wear dress clothes. The Court has not previously refused such a request, but that process has often generated some delay in the commencement of the hearing process.

With an eye toward avoiding hearing delays associated with such a request, the Defendant makes this advance formal request. This way, if granted, the clothing will be delivered and accessible to the US Marshall and the Defendant in advance, thereby reducing the likelihood of a delay for such purposes.

The Government, by and through Andrew MacCormack, AUSA, does NOT object to this request.

WHEREFORE, the Defendant respectfully requests that this Honorable Court grant him advance permission that he can wear civilian, dress, clothing for his sentencing hearing on February 4, 2025, at 10 am.

DATED: January 29, 2025

/s/ Jeffrey M. Silverstein

Jeffrey Silverstein, Esq.
Counsel for Damiean Marcial-Alexander

CERTIFICATE OF SERVICE

I, Jeffrey M. Silverstein, Esq., hereby certify that foregoing Motion to Continue Arraignment has been electronically sent to Asst. U. S. Atty. Andrew MacCormack for the Office of the United States Attorney on this 29th day of January. 2025.

/s/ Jeffrey M. Silverstein

Jeffrey M. Silverstein, Esq.,
Counsel for the Defendant